

**CHAPTER NO. 426**

**HOUSE BILL NO. 1203**

**By Representative Buck**

**Substituted for: Senate Bill No. 385**

**By Senator Davis**

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 11, relative to the surrender of defendants.

WHEREAS, it is desirable that a surety on a criminal bail bond be able to utilize all of the authority available either by statute or the common law in order to ensure that criminal defendants appear in court as ordered; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-11-133, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) For the purpose of §§ 40-11-132, 40-11-203, and 40-11-204, the bail bondsman or surety may arrest the defendant on a certified copy of the undertaking, either within or without the state, or may, by written authority endorsed on such copy, authorize another person to make the arrest.

SECTION 2. Tennessee Code Annotated, Section 40-11-302, is amended by deleting subsection (c) and by substituting instead the following:

(c) A professional bondsman may act as surety on the following civil bonds, to a maximum of ten thousand dollars (\$10,000), without qualifying with the department as an insurance company or agent being subject to the laws governing insurance companies or agents, so long as the court regulating the professional bondsman's criminal bonding activities has established regulations for the civil bonding activities of the professional bondsman which, at a minimum, shall require a ten percent (10%) security. These bonds are: appeal, attachment, certiorari, cost, detainer, injunction, lis pendens, possession, and restraining order. A professional bondsman may act as surety on appearance and contempt bonds without qualifying with the department as an insurance company or agent.

SECTION 3. Tennessee Code Annotated, Section 40-11-132, is amended by deleting from the first sentence the words "before the forfeiture of their undertaking".

SECTION 4. Tennessee Code Annotated 40-11-132, is amended by deleting the word "or" at the end of subdivision (1); by deleting the period at the end of subdivision (2) and by substituting instead a semicolon ";" ; and by adding the following language as new, appropriately designated subdivisions:

(3) A forfeit, conditional or final, has been rendered against the defendant;

(4) The defendant has failed to appear in court either as ordered by the court or as commanded by any legal process; or

(5) The defendant has been arrested while on bond.


SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

**PASSED: June 22, 2001**

  
JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

**APPROVED this 27<sup>th</sup> day of June 2001**

  
DON SUNDQUIST, GOVERNOR